

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Thomas C. Holman
Bankruptcy Judge
Sacramento, California

November 5, 2013 at 9:31 A.M.

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1. [13-30637](#)-B-13 STEPHANIE EPPERSON CONTINUED MOTION FOR RELIEF
CSS-1 FROM AUTOMATIC STAY
9-24-13 [[33](#)]
PRESTIGE MOTORS, INC. VS.

Tentative Ruling: None.

2. [13-30052](#)-B-13 KEVIN BRACY MOTION FOR RELIEF FROM
BER-1 AUTOMATIC STAY
9-24-13 [[27](#)]
CTCU VS.

Disposition Without Oral Argument: This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d)(1) in order to permit the movant to permit the movant to obtain possession of its collateral, 2007 BMW 7501 (VIN WBAHL83587DT08789) (the "Collateral"), to dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim including any attorneys' fees awarded herein. The 10-day period specified in Fed. R. Bankr. P. 4001(a)(3) is ordered waived. Except as so ordered, the motion is denied.

The movant holds a secured claim secured by a lien on the Collateral that is attributable to the purchase of the Collateral. The debtor has yet to confirm a plan in this case. The debtor was therefore required by 11 U.S.C. § 1326(a)(1) and LBR 3015-1(f)(2) to commence making payments on the movant's claim beginning with the first plan payment due August 25, 2013. The debtor's proposed amended plan, filed October 22, 2013 (Dkt. 48) provides for movant's claim in class 2, and provides that as of October 21, 2013, the trustee has made no disbursement to the movant. Movant alleges without dispute that it has not received two (2) post-petition payments. The debtor's failure to meet his obligations under § 1326(a)(1) constitutes a lack of adequate protection for the movant and cause for relief from the automatic stay.

The court will issue a minute order.